



NORFOLK

Inter Departmental Memorandum

TO: Norfolk City Council

FROM: Bryan Pennington, Director of Intergovernmental Relations

COPIES TO: Constitutional Officers, Council Appointees, and Senior Executive Staff

SUBJECT: 2014 General Assembly Activity Report # 2, week ending 1/24/14

DATE: January 24, 2014

[Norfolk's 2014 Legislative Priorities](#), adopted by Council Resolution, requests the 2014 General Assembly to consider: 3 Budget Amendment Requests; 3 Legislative Requests; and 10 Legislative Priorities. This memo is intended to be an update to last week's GA Activity Report # 1, week ending 1/17/14.

GA Activity Report # 2 has been organized to provide brief updates on the city's legislative requests and priorities and for the purpose of identifying other relevant legislative bills/amendments of interest or concern to the Administration.

Norfolk's 2014 Legislative Requests Update:

1. [SJ 3 \(Locke\)](#) / [SJ 34 \(McWaters\)](#) / [HJ 16 \(Stolle\)](#): Request for the General Assembly to establish a joint subcommittee to formulate statewide recommendation for addressing recurrent flooding.

A 2012 Virginia Institute of Marine Science (VIMS) study mandated by the General Assembly (HJR 50 and SJR 76) recommended that the Commonwealth develop a comprehensive and coordinated action plan to manage and mitigate the impacts of recurrent coastal flooding - both current and future events. The study found that other nations and states have wisely begun coordinating and investing time and resources to protect lives, shorelines, businesses and homes. Currently, many Virginia localities and U.S. military facilities in the Commonwealth are investing significant resources to mitigate flooding impacts. However, these efforts lack a coordinated strategy. Moreover, the recent lessons of Storm Sandy (October 2012) suggest that the Commonwealth should better prepare for major flooding events.

The proposed Joint Subcommittee would provide the General Assembly with oversight of significant issues currently impacting Virginians living and working in flood prone areas. If created this Subcommittee comprised of legislators would begin the development of a Commonwealth-specific comprehensive, cost effective and practical recurrent flooding mitigation strategy. Working with a host of groups and state agencies, VIMS found that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20-50 years).

SJ 34 (McWaters) was incorporated into SJ 3 (Locke) as a friendly gesture of bipartisan support. SJ 3 (Locke) passed the Senate Rules Committee on 1/17 and is on schedule to receive a final vote by the full Senate early next week. Staff has no concerns w/ SJ 3 (Locke).

HJ 16 (Stolle) has been assigned to the House Rules Committee and is scheduled to be heard on Tuesday 1/28. Delegate Stolle has been asked to accept an amendment to reduce the number of members appointed to the recurrent flooding subcommittee. The city has indicated its support of this amendment. With this agreement in place, staff has no concerns with HJ 16 at this time.

2. [SB 198 \(Alexander\)](#) / [HB 399 \(A. Howell\)](#): City of Norfolk Charter Changes

Norfolk has combined two City Charter amendment requests into one legislative bill. The Council has requested to change Norfolk's Charter so that the Council is only statutorily required to meet once per month, like most Virginia local governments. If passed, Council will still retain the authority to decide for itself the frequency of meetings over and above once per month. The second City Charter amendment seeks to authorize the creation of a new Deputy Chief of Police position.

SB 198 (Alexander) has been referred to the Senate Local Government Charter Subcommittee and is scheduled to be heard early next week. HB 399 (A. Howell) unanimously passed the House on 1/22 and has been referred to the Senate Local Government Committee.

Staff has no concerns with either bill passing at this time.

3. [SB 90 \(Alexander\)](#) / [HB 401 \(A. Howell\)](#): Request to increase Norfolk School Board Member Term

Norfolk has requested that the General Assembly to increase the Norfolk School Board member terms from 2 years to 3 years. SB 90 (Alexander) unanimously passed the Senate on 1/14 and has been assigned to the House Committee on Education. HB 401 (A. Howell) unanimously passed the House on 1/23 and will soon be assigned to a Senate Committee.

Staff has no concerns with either bill passing at this time.

Update on Norfolk's 2014 Legislative Priorities

Legislative Priority	Relevant Bills	Description
Oppose Uranium Mining	None	All legislative efforts/initiatives appear halted.
Oppose enactment of the Opportunity Education Institute (OEI)	HB 113 (Marshall) HB 1091 (Garrett) SB 465 (Newman)	Repeals OEI. Assigned to House Education Subcommittee on Education Reform. Norfolk supported bill. Identical bills to limit the number of schools that would be transferred to the OEI to those denied accreditation for the previous two years. SB 465 has been amended to remove the authority of the OEI to elect to take over a

	<p>SB 499 (Hanger)</p> <p>HB 1003 (Greason)</p>	<p>school that has not met the requirements for full accreditation for three consecutive years. Norfolk is opposed to both bills.</p> <p>Delays the initial transfer of supervision of certain public schools from the local school boards to OEI by one year. No activity to support.</p> <p>Provides OEI funding.</p> <p>*Senator Locke has submitted a Budget Amendment to defund OEI by \$600k taking its funding provision by Governor McDonnell to \$0.</p>
Address deficiencies in the 1995 Public Private Transportation Act (PPTA)	<p>HB 1136 (Joannou)</p> <p>SB 26 (Alexander)</p> <p>SB 165 (Locke)</p> <p>HB 349 (James)</p> <p>HB 346 (James)</p>	<p>Prohibits the inclusion in a comprehensive agreement under the Public-Private Transportation Act of 1995 of a schedule of tolls or user fees for a road, highway, tunnel, or bridge unless the General Assembly, by joint resolution, has approved the schedule. Left in Committee.</p> <p>Increases time periods for public comment and submission of competing proposals and transparency in agreements pursuant to the Public-Private Transportation Act of 1995. The bill also requires a presentation to the Transportation Committees, Senate Finance Committee, and House Appropriations Committee of the General Assembly for projects in excess of \$1 billion. The bill was stricken at the Patron's request.</p> <p>Provides that no comprehensive agreement providing for the lease, operation, or transfer of ownership of a qualifying transportation facility under the Public-Private Transportation Act with a total value of more than \$1 billion and having a substantial negative impact on the tax revenues of an affected jurisdiction or substantially increasing the taxes, fees, or expenses that will be paid by residents of an affected jurisdiction may be executed by a</p>

		state agency unless (i) approved by the Governor and (ii) a bill that includes a specific description of the proposed agreement and its anticipated expenditures and revenues is passed by the General Assembly. SB 165 (Locke) stricken at the Patron's request. HB 349 (James) and HB 346 (James) both waiting for subcommittee action.
Align the Commonwealth Transportation Board Appointments based upon congressional districts	HB 379 (Surovell) SB 511 (Wagner)	<p>Changes the composition of the CTB so that one member will be appointed from each of Virginia's congressional districts and three will be at-large appointees. Waiting for committee action.</p> <p>KILLED 1/15: Changes the composition of the CTB so that one member will be appointed from each of Virginia's 11 congressional districts instead of from each of the 9 highway construction districts. The five at-large members and four ex officio members remain unchanged.</p>
Conduct a review of the equity of Virginia's current provisions for allocating highway and transportation funding	SJ 72 (Wagner)	Directs JLARC to review the equity of transportation funding in light of new revenues and because such a study has not been conducted in 30 years. SJ 72 (Wagner) has been continued till the 2015 Session, which means the legislation is still active just tabled until the 2015 Session for reconsideration.
Equitably distribute apportionment of outstanding teacher retirement plan liability	None	NA
Provision of sufficient state funding for additional unfunded Family Access to Medical Insurance Security (FAMIS) administrative responsibilities	Budget Amendments pending	Several budget amendments have been introduced.
Restrict the Governor's HRT Board Appointments to the candidates provided by the HRT member local government council	None	No bills have been introduced.

Local option plastic bag regulations	SB 320 (Ebbin) HB 1381 (Morrissey)	<p>Authorizes localities in Planning District 8 by ordinance to impose a tax on disposable paper bags and disposable plastic bags. SB 320 failed to pass in Senate Finance Committee.</p> <p>Imposes a tax of five cents (\$0.05) beginning on July 1, 2014, on plastic bags used by purchasers to carry tangible personal property purchased in grocery stores, convenience stores, or drug stores. HB 1381 failed to pass Committee.</p> <p>*Senator Ebbin has asked to again partner with Norfolk during 2015 Session seeking local option authority.</p>

Current State Budget amendments of interest to local governments

1. Jail Per Diems – meets state code requirements: \$4.8 million in FY14. The introduced budget under-funded the state’s share of this cost by \$4.8 million.

2. Jail Per Diems – raises daily support to \$14: \$6.1 million in FY15 and in FY16. In 2010, one of the budget reduction strategies adopted by the General Assembly was to decrease the amount of the per diem paid for state-responsible prisoners in local/regional jails from \$14 to \$12 a day. This would reverse that cut.

3. Direct Aid to Education – uses an inflation factor in the calculation of non-personal support costs, resulting in additional state funding for public education of \$38 million in FY15 and FY16. In addition, there is one amendment to restore funding for the inflation and for compensation supplements in Northern Virginia, as well as several amendments restoring the compensation supplements.

4. Compensation Board – Removes the non-supplanting language regarding a 2 percent salary increase for two entry-level deputy sheriff positions. The non-supplanting language would mean that cities and counties would have to give that raise even if they supplement deputy salaries at levels above the Compensation Board salary. If the locally-funded salary is already above what the state will recognize – including the salary increase included in the introduced budget bill. The non-supplanting language should be eliminated. In effect, it punishes cities and counties that have been funding higher salaries all along.

5. Compensation Board – Removes the non-supplanting language regarding a 4 percent salary increase for each deputy clerk I position and a 2 percent increase for each deputy clerk II position, effective July 1, 2014. The rationale is the same as covered in the item above. ([Item 66 #5s](#), and [Item 71 #5s](#)).

6. Direct Aid to Education – Has the Department of Education pay its retirement contributions directly to VRS, thus resulting in a sharing of the \$15 billion in unfunded liability for the teacher retirement plan ([Item 136 #15h](#), [Item 136 #4s](#), [Item 136 #5s](#), [Item 136 #6s](#)).

7. Opportunity Educational Institution – Defunds OEI (Item 138 #2h, Item 138 #3h, and Item 138 #1s). A lawsuit has been filed challenging the constitutionality of the OEI and there is every likelihood that the lawsuit will succeed. In the meantime, the state and school divisions should work on collaborative solutions to help low-performing schools.

8. Comprehensive Services Act – Requires that the Office of Comprehensive Services and the State Executive Council abide by the Administrative Process Act.

9. Primary Road Reconstruction – makes city and town projects eligible for CTB funding. VDOT interprets primary road extensions as ineligible under the CTB road construction formula.

10. Local Fines and Fees – deletes the language added a few years ago that sweeps all local fines and fees into the state general fund and then allows the state to keep a portion of any local fines and fees that exceed 50 percent of the total collections made within a locality.

11. Stormwater Local Assistance Fund (SLAF) – shifts the \$20 million in bond funding to finance stormwater improvement projects from FY16 to FY15. In addition, the amendment provides an additional \$18 million, for a total of \$38 million, for a new bond authorization in FY15.

NOTE: A complete list of the amendments can be found at these links: [HB 29](#) / [SB 29](#) and [HB 30](#) / [SB30](#).

2014 General Assembly Session Statistics as of 1/24/14 12:00 noon

Type	Introduced	Passed House	Passed Senate	Passed	Cont'd to next session	Failed	Pending	Approved	Vetoed
H.B.	1272	112	1	1	18	30	1223	0	0
H.J.R.	202	83	80	80	0	0	122	0	0
H.R.	95	69	0	22	0	15	58	0	0
S.B.	672	0	131	0	23	99	550	0	0
S.J.R.	112	38	68	38	15	3	56	0	0
S.R.	23	0	16	16	0	0	7	0	0
Totals	2376	302	296	157	56	147	2016	0	0

Additional bills and budget amendments may be added in the weeks ahead as proposals are being finalized by Legislative Services or amended in Committees. During the General Assembly session, please feel free to contact Bryan Pennington for any questions or concerns at bryan.pennington@norfolk.gov or by cell phone at **757-274-7120**.

2014 General Assembly Legislative Calendar

Date	Events and activities for the 2014 Session
January 17 th	Deadline for filing all bills and resolutions
February 3 rd	House Appropriations & Senate Finance Committees present their budgets
February 6 th	VML Local Government Day
February 11 th	Cross-over day. Each house completes work on its own legislation; except state budget
February 14 th	Houses of introduction completes its work on budget
February 26 th	Last day for each house to act on budget of the other house
March 3 rd	Last day for committee action on legislation
March 8 th	General Assembly scheduled to adjourn (Sine Die)
April 23 rd	Reconvened (veto) session

Norfolk Senators	Richmond Office #	Norfolk Delegates	Richmond Office #
Senator Alexander	804-698-7505	Delegate Hester	804-698-1089
Senator F. Wagner	804-698-7507	Delegate A. Howell	804-698-1090
6 th Senate District		Delegate James	804-698-1080
		Delegate Joannou	804-698-1079
		Delegate L. Lewis	804-698-1000
		Delegate Stolle	804-698-1083

You can watch the Virginia House of Delegates live on the floor at this link:

http://virginia-house.granicus.com/ViewPublisher.php?view_id=3

You can view the Virginia Senate Chamber live on the floor at this link:

http://virginia-senate.granicus.com/ViewPublisher.php?view_id=3